MONTANA
ADMINISTRATIVE
REGISTER

ISSUE NO. 16 – AUGUST 22, 2025

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DEPARTMENT OF ADMINISTRATION

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-450.1

Summary

The department proposes to amend administrative rules pertaining to credit unions.

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is one based on the nine Montana state-chartered credit unions.

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, September 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Wednesday, September 3, 2025, at 5:00 p.m.

Contact

Heather Bernet
(406) 841- 2922
heather.bernet@mt.gov
Montana Relay 711
Fax: Fax: 406-841-2930

General Reasonable Necessity Statement

As part of its required biennial review of rules, the department has identified necessary changes in these proposed amendments. These amendments encompass a variety of updates aimed at enhancing clarity and consistency within the rules.

Some of the proposed changes are technical in nature, such as amending punctuation, transitioning outdated two-word forms to commonly accepted single-word forms, such as "web site" to "website," updating the department's website address, and removing the division's physical address on forms as it will be relocating at a later date.

The department is changing references to the Division of Banking and Financial Institutions of the Department of Administration from "division" to "department" for consistency with other rules in ARM Title 2, chapter 59. The department proposes updating website references to remove "www" and "http" as these prefixes are not generally necessary to successfully navigate to the department's website.

Where additional specific bases for a proposed action exists, the department will identify those reasons immediately following that rule.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

2.59.405 RETENTION OF CREDIT UNION RECORDS

(1) Credit unions are required to retain records of member accounts, as defined in (7), for at least eight years after January 1 of the year following the time that the records are made; however, records showing unpaid balances in favor of members may not be destroyed.

(2) The publication Montana Credit Union Records Retention Schedule, Appendix A to ARM 2.59.405 (Appendix A), establishes the minimum retention period for records

other than member account records for all state-chartered credit unions. Appendix A is maintained by the Commissioner of Banking and Financial Institutions, and may be updated not more than once a year by the commissioner. The August 11, 2014, edition of Appendix A is incorporated by reference as part of this rule. A copy of Appendix A can be obtained from the Division of Banking and Financial Institutions, Department of Administration, ~~301 South Park,~~ P.O. Box 200546, Helena, MT 59620-0546 or found on the department's ~~web site~~ website at

~~banking.mt.gov/_docs/Credit-Union/Credit-Union-Records-Retention-Appendix-A---As-of-8-11-2014.pdf.~~ banking.mt.gov.

(3) When a credit union ~~microfilms, photographs, or uses other electronic or computer-generated data~~ reproduces records in any manner in the regular course of business, the retention period of the ~~microfilm, photographs, electronic, or computer-generated data~~ reproduced records is ~~must be~~ the same as specified in Appendix A.

(4) Credit unions must comply with all applicable federal laws and regulations concerning credit union records retention requirements. In the event that an applicable federal law or regulation conflicts with a retention period contained in this rule or in Appendix A, a credit union must comply with whichever retention period is longer. Credit unions must comply with other applicable state laws governing retention of personnel records, corporation records, etc.

(5) If a credit union does not maintain records set forth in Appendix A, but maintains similar records with equivalent information, the credit union's similar records must be retained for the time specified within Appendix A.

(6) Records not covered by this rule, Appendix A, or applicable federal laws and regulations must be retained for a period of time determined appropriate by the credit union's board of directors. The board's minutes must reflect the record retention periods determined appropriate and be maintained as a permanent part of the board's minutes.

(7) "Member accounts" for record retention purposes means member deposit accounts including share savings accounts, share draft accounts, share certificates, safety deposit boxes, trust accounts, negotiable orders of withdrawal (NOW) accounts, and money market deposit accounts.

Authorizing statute(s): 32-3-201, MCA

Implementing statute(s): 32-3-204, MCA

Reasonable Necessity Statement

The department is proposing to amend this rule to update the wording to concise, commonly used, current language to reflect the current methods of document reproduction.

2.59.429 ADOPTION OF MODEL BYLAWS AND STATUTORY REFERENCE FOR CREDIT UNIONS

(1) The department adopts by reference the model bylaws of credit unions dated ~~June 2020~~ April 2023 and the model credit union bylaws statutory reference dated ~~June 2020~~ April 2023, to be used by incorporators when they want to start a new credit union. Both can be found on the department's ~~web site~~ website at ~~www.banking.mt.gov~~ banking.mt.gov.

Authorizing statute(s): 32-3-201, MCA

Implementing statute(s): 32-3-302, MCA

Reasonable Necessity Statement

Section 32-2-302, MCA requires the department to make model bylaws available to credit union incorporators and credit unions. The statutory reference is not required by law but may be of assistance to incorporators or credit unions. The updated model bylaws align with the National Credit Union Administration (NCUA) bylaws.

2.59.436 ORGANIZING A NEW CREDIT UNION

(1) An applicant seeking to organize a new state-chartered credit union shall complete the Application for a Certificate of Approval to Organize a New Montana Credit Union dated ~~December 14, 2020~~ June 13, 2025, which is adopted and incorporated by reference and available on the department's website at banking.mt.gov.

Authorizing statute(s): 32-3-201, MCA

Implementing statute(s): 32-3-201, 32-3-301, MCA

Reasonable Necessity Statement

The department proposes to amend the Application for a Certificate of Authorization to Organize a New Montana Credit Union to include the following additional information:

- Page One - Executive Officers of the Board & Senior Management section: Added "The subscribers shall select at least five qualified persons who agree to serve on the board of directors and at least three qualified persons who agree to serve on the supervisory committee. A signed agreement to serve in these capacities until the first annual meeting or until the election of their successors, whichever is later, must be executed by the parties."
- Page Two – Additional Exhibits – Exhibit 5: Added ". . . or other insurance approved by the commissioner of insurance and the department of administration."

The additional language on page one serves as a reminder of the requirements outlined in 32-3-301(4), MCA. The additional language on page two clarifies that the provisions of 32-3-611, MCA, permit other insurance approved by the Commissioner of Insurance and the Department of Administration, rather than exclusively NCUSIF insurance.

2.59.437 ANNUAL REPORTS

(1) The Report of Credit Union Management form dated ~~December 14, 2020~~ June 13, 2025, is adopted and incorporated by reference and available on the department's website at banking.mt.gov.

(2) The Liabilities of Directors and Committee Members form dated ~~December 14, 2020~~ June 13, 2025, is adopted and incorporated by reference and available on the department's website at banking.mt.gov.

Authorizing statute(s): 32-3-201, MCA

Implementing statute(s): 32-3-201, 32-3-202, 32-3-404, MCA

Reasonable Necessity Statement

The department proposes to amend this rule to update the Report of Credit Union Management form to include the date of the last annual meeting. The department also proposes to amend this rule to update the Liabilities of Directors and Committee Members form to remove the valuation date for the share value of a director or committee member who is a borrower. The department assumes the share value will be the value as of February 1st of the submission year for the form.

Small Business Impact

The department adopts rules that primarily impact credit unions, banks, and other financial institutions and works in cooperation with these entities across the state to implement the

rules that are adopted. Given that the department does not work directly with small businesses, the small business impact analysis performed as required by 2-4-111, MCA indicates that no small businesses are likely to be directly impacted by the proposed rule changes. Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this division. Persons who wish to have their name added to the mailing list must make a written request that includes the name, mailing address, and e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the person listed in paragraph two or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

Don Harris, Chief Legal Counsel

Approval

Misty Ann Giles, Director

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DEPARTMENT OF COMMERCE

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-310.1

Summary

Amendment of ARM 8.111.401, 8.111.402, 8.111.403, 8.111.404, 8.111.406, 8.111.407, and 8.111.409 pertaining to the Reverse Annuity Mortgage Program

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Hearing Date and Time

Thursday, September 11, 2025, at 10:00 a.m.

Virtual Hearing Information

The Department of Commerce will hold a public hearing via zoom to consider the proposed amendment of the above-stated rules.

Video: https://mt-gov.zoom.us/j/88936154203?pwd=bixh7h7xSZNPWTNOc99cBT3HfECeOZ.1

Webinar ID: 889 3615 4203

Passcode: 354216

Comments

Interested persons may submit data, views, or arguments orally at the Zoom hearing. Written data, views, or arguments may be submitted to Jada Maynor by email: DOCadministrativerules@mt.gov; or by mail: P.O. Box 200501, Helena, MT 59620. Comments must be received by Friday, September 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, September 9, 2025, at 5:00 p.m.

Contact

Jada Maynor
(406) 841-2596
jada.maynor@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The Board of Housing (board) is proposing to update the administrative rules for its Reverse Annuity Mortgage (RAM) Program. RAM Program administrative rules have not undergone a comprehensive review in many years. The board recently increased its marketing of the RAM Program resulting in an increased number of applications. The proposed updates to the rules reflect current market conditions such as increased construction costs for home repairs and accessibility modifications. Additionally, the updates provide clarity, more specificity, and expand eligible properties. The proposed rules were discussed at multiple board meetings and all proposed modifications have been approved by the board.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

8.111.401 PURPOSE OF REGULATIONS

(1) These rules are enacted by the ~~Montana~~ Board of Housing (~~"~~board~~"~~) to provide explanation and guidance to individuals ~~in~~ applying for reverse annuity mortgage loans. The legislature in enacting the reverse annuity mortgage loan program provided that the board shall adopt all procedural and substantive rules for the administration of the loan program. These rules are in conformance with the legislative directive.

(2) These rules shall be liberally construed to secure just, speedy, and inexpensive determination of the issues presented.

(3) If further information is needed as to procedures or instructions on reverse annuity mortgage loans, it will be furnished by the board.

Authorizing statute(s): 90-6-507, MCA

Implementing statute(s): 90-6-502, 90-6-504, 90-6-505, 90-6-506, MCA

8.111.402 DEFINITIONS

As used in this subchapter ~~these rules~~, the following words and phrases have the following meanings:

(1) "Appraisal" means an opinion of a qualified ~~FHA~~ appraiser on the nature, quality, and value of specific interests in identified real estate in accordance with HUD Handbook 4000.1 guidelines. ~~approved for Federal Housing Administration (FHA) purposes.~~

(2) "Family income" means the income of all adult members of the household, other than full-time students. The income is the amount of anticipated total income from all sources for the subsequent 12-month period from application. This includes nontaxable income such as social security and municipal bond interest. Any investment or business losses cannot be subtracted in determining gross income. An exclusion will be allowed for certain defined, nonreimbursed, ongoing, medical, and independent living expenses.

(3) "Permanent vacation of the secured property" means any period when the mortgagor (or the last to survive) does not live in the residence for a period of 180 consecutive days.

~~(4) "FHA" means Federal Housing Administration.~~

Authorizing statute(s): 90-6-507, MCA

Implementing statute(s): 90-6-505, 90-6-506, MCA

8.111.403 COUNSELING REQUIREMENTS

(1) All applicants for reverse annuity mortgage loans must complete the required reverse annuity mortgage counseling by a qualified reverse annuity mortgage counselor.

(2) Information as to the required counseling is available by contacting the Board of Housing by mail at P.O. Box 200528, Helena, MT 59620-0528 or by telephone at 406-841-2840 ~~(406) 841-2845 or (406) 841-2838~~.

Authorizing statute(s): 90-6-507, MCA

Implementing statute(s): 90-6-502, MCA

8.111.404 ELIGIBILITY REQUIREMENTS

(1) To be eligible for a reverse annuity mortgage loan, the applicant must do the following:

(a) successfully complete the required reverse annuity mortgage counseling by a qualified reverse annuity mortgage counselor, as set forth in ARM 8.111.403 ~~(information about required counseling is available by contacting the Board of Housing by mail at P.O. Box 200528, Helena, MT 59620-0528 or by telephone at (406) 841-2845 or (406) 841-2838)~~;

(b) submit a reverse annuity mortgage application package to the board;

(c) agree to allow the board to obtain a current ~~FHA~~ appraisal conducted in accordance with HUD Handbook 4000.1 guidelines and title insurance policy for the property;

(d) agree to pay for all closing costs including, but not limited to, the appraisal, title insurance policy, document recording, and other closing costs, which can be included in the loan principal amount;

(e) ensure ~~assure~~ that the reverse annuity loan is in first lien position at loan closing;

(f) be at least 68 years of age or older, except as provided on a case-by-case basis by the ~~B~~board ~~of Housing~~;

(g) meet the income limits as set by the board;

(h) if the property is jointly owned, both borrowers must meet all of the requirements set forth in this subchapter ~~conditions~~; and

(i) if property is jointly owned, it must be held as joint tenants, with rights of survivorship.

Authorizing statute(s): 90-6-507, MCA

Implementing statute(s): 90-6-505, 90-6-506, MCA

8.111.406 REPAYMENT OF THE LOAN

(1) Repayment of the reverse annuity mortgage loan is not required so long as the borrower, or the last surviving borrower, has not permanently vacated the secured property and no event of default has occurred as provided in the loan documents. The borrower, borrower's representative, or any personal representative of the estate if the borrower is deceased must notify the board if the secured property has been vacated by the borrower or last surviving borrower for more than 180 consecutive days. Notifications can be made via email to housing@mt.gov, by phone (406) 841-2840, or by mail to P.O. Box 200528, Helena, MT 59620-0528.

(2) The borrower may pay the outstanding loan balance in full at any time without penalty.

(3) The board may include in the reverse annuity mortgage loan documents such terms, conditions, and requirements as are usual and customary in similar loan transactions and which are designed to protect the value of the property securing the loan or to assure repayment of the loan.

(4) The loan becomes due and payable and any remaining advances terminate upon the occurrence of any of the following events:

(a) the death of the last surviving borrower;

(b) sale or transfer of the property to anyone other than an original borrower;

(c) permanent vacation of the secured property by the borrower; or

(d) any other act or occurrence which constitutes an event of default under the mortgage instrument securing the loan.

Authorizing statute(s): 90-6-507, MCA

Implementing statute(s): 90-6-506, MCA

8.111.407 SECURITY FOR THE LOAN

(1) The property pledged as security for the reverse annuity mortgage will be the only source the board has for repayment of the loan.;

(2) The property pledged as security for the reverse annuity mortgage loan must meet the following requirements:

(a) located in the state of Montana;

(b) owner occupied;

(c) single family residences including townhomes, condominiums, and manufactured homes;

(d) must meet HUD Handbook 4000.1 guidelines;

(e) condominiums may be approved by the board staff at its sole discretion. The board staff analysis will, among other things, ensure that the board's total reverse annuity mortgage loan portfolio is not overexposed to risk posed by the condominiums; and

(f) manufactured homes must meet the MBOH General Terms and Conditions of MBOH MBS Regular Bond Loan Program requirements.

Authorizing statute(s): 90-6-507, MCA

Implementing statute(s): 90-6-505, 90-6-506, MCA

8.111.409 CASH ADVANCES

(1) The board may disburse a portion of the loan amount as a cash advance at closing for any one or more of the following purposes:

(a) satisfaction of any liens on the property;

(b) necessary repairs to the property;

(c) actual loan closing costs, including but not limited to appraisals, title policies, recording of documents, and other closing costs; and

(d) other items to assist the borrower to continue residing in the property, including but not limited to, medical expenses, transportation expenses (including automobile purchase and loan payoff), payoff of credit card debt, and supportive and specialized care services.

(2) To receive a cash advance at closing, the borrower must submit a request in writing on forms supplied by the board.

(3) A cash advance for any of the purposes specified in (1) ~~may be approved~~ must be approved by board staff along with approval of other RAM loans that do not have a cash advance at closing:

(a) in an amount not to exceed ~~$30,000~~ $10,000 by board staff along with other loan approvals; and

(b) in an amount greater than $10,000 by the board's homeownership program manager.

~~(b) in an amount exceeding $30,000 by the board in a duly noticed meeting on a case-by-case basis.~~

(4) A cash advance may be disbursed either to the borrower or to third parties as directed by the borrower and approved by the board. All cash advances disbursed at closing shall be added to the initial loan balance.

Authorizing statute(s): 90-6-104, 90-6-106, 90-6-507, MCA

Implementing statute(s): 90-6-104, 90-6-106, 90-6-502, 90-6-505, MCA

Small Business Impact

The board proposes adopting rules that impact homeowners over 68 years of age through the RAM Program. The RAM Program assists homeowners stay in their homes by lending no more than $150,000 either in monthly payments to the borrower and/or an initial cash disbursement, using their home as collateral. The board does not provide assistance to small businesses. There is no applicable class of small businesses affected. Thus, the small business impact analysis performed indicates that no small businesses are likely to be directly or indirectly impacted by the proposed rule changes.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person above or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

Amy Barnes

Approval

Mandy Rambo, Deputy Director

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DEPARTMENT OF COMMERCE

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-311.1

Summary

Amendment of ARM 8.94.3817 pertaining to the Montana Coal Endowment Program

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Hearing Date and Time

Thursday, September 11, 2025, at 1:30 p.m.

Virtual Hearing Information

The Department of Commerce will hold a public hearing via zoom to consider the proposed amendment of the above-stated rule.

Video: https://mt-gov.zoom.us/j/82205132650?pwd=jQVy6bY69WXXcL5mfdiAb2kA4bVsmf.1

Webinar ID: 822 0513 2650

Passcode: 759916

Comments

Interested persons may submit data, views, or arguments orally at the Zoom hearing. Written data, views, or arguments may be submitted to Jada Maynor by email: DOCadministrativerules@mt.gov; or by mail: P.O. Box 200501, Helena, MT 59620. Comments must be received by Friday, September 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, September 9, 2025, at 5:00 p.m.

Contact

Jada Maynor
(406) 841-2596
jada.maynor@mt.gov

General Reasonable Necessity Statement

The Department of Commerce proposes to adopt by reference the updated Administration Guidelines and Application for Infrastructure Planning Grants (July 2025) for the Montana Coal Endowment Program (MCEP) and incorporate the document as rules of the department. The MCEP program is a state-funded grant program that provides funding to communities for planning, emergency, and infrastructure.

Updates to the document are intended to streamline processes and simplify language. The updates include reducing excessive and repetitive required documentation and reformatting content. The proposed document can be found at https://testredesign-commerce.mt.gov/Infrastructure-Planning/Programs-and-Services/Montana-Coal-Endowment-Program/Planning-Grants.

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

8.94.3817 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF THE MONTANA COAL ENDOWMENT PROGRAM (MCEP) – PLANNING GRANTS

(1) The Department of Commerce adopts and incorporates by reference the Infrastructure Planning Grant Application and Administration Guidelines for MCEP Infrastructure Planning Grants as rules for the administration of the Montana Coal Endowment Program – Planning Grants.

(2) The rules incorporated by reference in (1) relate to the scope and procedures for the award, administration, monitoring, and close-out of matching planning grants to cities, towns, counties, consolidated governments, county or multicounty water, wastewater or solid waste districts, and tribal governments.

(3) Copies of the regulations adopted by reference in (1) may be obtained from the Department of Commerce, Community MT Division ~~Planning Bureau~~, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523, or on the ~~Planning Bureau~~ department website at https://commerce.mt.gov/Infrastructure-Planning/Programs-and-Services/Montana-Coal-Endowment-Program/Planning-Grants ~~http://comdev.mt.gov/TSEP/PlanningGrants/Applying~~.

Authorizing statute(s): 90-6-701, MCA

Implementing statute(s): 90-6-701, MCA

Small Business Impact

The Montana Coal Endowment Program Planning Grant program offers significant economic development opportunities across Montana. Cities, towns, water and sewer districts, and counties often contract with various consulting firms to complete different professional planning documents which are used to further community development in Montana. Some consulting firms are considered small businesses and several planning documents produced over the years have benefitted small businesses with plans for expansions and ability to increase their workforce by creating and retaining jobs. The MCEP Planning Grant program's deliverables increase job creation and retention, assist with business retention, and create economic opportunities throughout Montana in both urban and rural areas.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written

requests may be mailed or delivered to the contact person above or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

April Armstrong

Approval

Mandy Rambo, Deputy Director

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DEPARTMENT OF ENVIRONMENTAL QUALITY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-205.1

Summary

Increasing annual underground storage tank system tank fees

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is approximately 1,200 persons. Interested persons may request that the department provide a presentation of the rule proposal and allow the public to submit oral or written questions or comments if a hearing is held.

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, September 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, September 12, 2025, at 5:00 p.m.

Contact

Legal Unit
(406) 444-1388
DEQrulemaking205@mt.gov

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

17.56.1001 TANK FEE SCHEDULE

(1) Owners or operators of underground storage tanks which have not been closed in accordance with ARM 17.56.702 shall pay an annual registration fee for each underground storage tank owned or operated. In order to schedule annual renewal dates, the department may prorate the registration fee to cover registration periods not equal to 12 months.

(2) Owners or operators of the following underground storage tanks shall pay the following annual registration fees in accordance with (1) before the department will issue an operating permit under ARM 17.56.308:

(a) underground storage tanks with a capacity of more than 1,100 gallons, ~~$108~~ $165 per tank;

(b) underground storage tanks with a capacity of 1,100 gallons or less, ~~$36~~ $55 per tank.

Authorizing statute(s): 75-11-505, MCA

Implementing statute(s): 75-11-505, MCA

Reasonable Necessity Statement

Tank registration fees have not been increased since 2003 because 75-11-505, MCA, includes a cap on those fees and that statutory cap was reached in 2003. Passage of Senate Bill 46 during the 2025 legislative session increased the annual fee caps from $108.00 to $300.00 for a tank over 1,100 gallons and from $36.00 to $100.00 for a tank less than 1,100 gallons. The fee increase cannot be implemented until ARM 17.56.1001, Tank Fee Schedule, is revised. The department proposes to increase annual tank registration fees from $36 to $55 for underground storage tanks with a capacity of 1,100 gallons or less per tank and from $108 to $165 for underground storage tanks with a capacity of more than 1,100 gallons. Consumer Pricing Index data shows a "buying power" decrease of 75 percent since 2003. The department has determined that the proposed 53 percent increase will alleviate some of the fiscal impacts on the program deliverables including the excessive use of state general fund and tank registration fees to cover database routine maintenance and required system upgrades. The leak prevention program UST leak prevention grant currently does not cover program operational costs. The program currently uses tank registration fees and general funding to cover the difference and keep the UST program operational. Based on current inflationary adjustments and in an attempt to keep fees commensurate with costs, the department proposes the current fee increases and will employ phasing of future fee increases based on periodic reviews of programmatic costs. The department has determined that approximately 1,200 persons will be affected by the proposed fee increase, and the cumulative amount for all persons of the proposed increase is $209,500.00 based on current regulated tank counts.

17.56.1404 LICENSE FEES

(1) An individual applying for an underground storage tank installer's license shall pay to the department the applicable fee(s) provided in (2). All fees are nonrefundable.

(2) Licensing fees are as follows:

(a) license application and examination fee $483

(b) ~~annual~~ triennial license renewal fee $483

(3) Department installation and oversight inspectors are exempt from the licensing fees described in this rule.

(4) Failure to pay license fees may result in the denial, nonrenewal, or revocation of a license issued under this subchapter.

Authorizing statute(s): 75-11-204, MCA

Implementing statute(s): 75-11-204, 75-11-210, 75-11-211, 75-11-509, MCA

Reasonable Necessity Statement

The department proposes to amend (i.e., correct) the licensing period from annual to triennial as described in (2)(b). This reference was omitted from the previous rulemaking completed by the department in 2024. The fee amount was properly changed in 2024, but the department neglected to update the licensing period from annual to triennial in this section of the rule.

Small Business Impact

The department has determined that the class or group that will be affected by this proposed rulemaking are the owners or operators of underground storage tank systems, owners or operators of any underground storage tank, and those individuals engaged in licensed occupations or activities subject to the statutory rulemaking authority under Title 75, chapter 11, part 2, MCA.

The department has proposed increased fees for ARM 17.56.1404 and estimates that approximately 1,200 people will be affected by this rule change. The monetary impact per person will vary based on the number of tanks per facility. The fee for large tanks will increase by $57 and the fee for small tanks will increase by $19. The typical facility has an average of four tanks, resulting in an annual increase per facility of $228.

Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

Senator John Esp, sponsor of Senate Bill 46 in the 2025 legislative session, was notified by mail on June 19, 2025, pursuant to 2-4-302(2)(d)(i), MCA, which requires an agency to notify the primary sponsor of a bill when the agency intends to commence drafting proposed rules to implement the new law.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact above or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

Nicholas Whitaker

Approval

Sonja Nowakowski, Director

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF NURSING
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-257.1

Summary

Adopting substantial equivalency standards to implement House Bill 246

Hearing Date and Time

Thursday, September 11, 2025, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed rulemaking. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/89803438685

Meeting ID: 898 0343 8685; Password: 548776

Dial by Telephone: +1 646 558 8656

Meeting ID: 898 0343 8685; Password: 548776

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, September 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Thursday, September 4, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

(1) The board adopts and incorporates by reference the 2025 substantial equivalency list for the board's publication. The publication is available on the board's website.

(2) The board intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.

(3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill 246 which was signed by the Governor April 3, 2025, and will become effective October 1, 2025. The bill standardizes substantial equivalency

determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. House Bill 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the board is proposing to adopt NEW RULE 1. The board has compared current licensure standards of the fifty United States for board licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the board's initial approved list of states having substantially equivalent licensing standards. The list will be published on the board's website. The board will analyze other states' licensing standards annually, and update the published list as needed.

Small Business Impact

Pursuant to 2-4-111, MCA, the Montana small businesses that will probably be affected by the proposed adoption of NEW RULE 1 in MAR Notice No. 2025-257.1 that implements House Bill 246 (2025) are smaller employers/clinics that hire board licensees who were licensed through endorsement. If these licensed employees would benefit from a quicker licensing process, then their employers stand to benefit, as well. The board licensed 1,743 nurses last year. The board has determined that the proposed rule changes will not create a significant and direct impact on these small businesses. Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The primary bill sponsor was notified by email on July 7, 2025.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

Approval

Sarah Spangler, RN, Chair, Board of Nursing

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-263.1

Summary

Implementation of House Bill 246 pertaining to substantial equivalency

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Hearing Date and Time

Thursday, September 11, 2025, at 11:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed rulemaking. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/83112957875

Meeting ID: 831 1295 7875; Password: 361156

Dial by Telephone: +1 646 558 8656

Meeting ID: 831 1295 7875; Password: 361156

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, September 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Thursday, September 4, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill 246 which was signed by the Governor April 3, 2025, and will become effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. House Bill 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the board is proposing to adopt NEW RULE 1 (24.156.402). The board has compared current licensure standards of the fifty United States for board licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the board initial approved list of states having substantially equivalent licensing standards. The list will be published on the board website. The board will analyze other states' licensing standards annually, and update the published list as needed.

Rulemaking Actions

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 (24.156.402) SUBSTANTIAL EQUIVALENCY

(1) The board adopts and incorporates by reference the 2025 substantial equivalency list for the Board of Medical Examiners publication. The publication is available on the board's website.

(2) The board intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption of this rule.

(3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Small Business Impact

Pursuant to 2-4-111, MCA, the Montana small businesses that will probably be affected by the proposed adoption of NEW RULE 1 (24.156.402) in MAR Notice No. 2025-263.1 that implements House Bill 246 (2025) are independent medical practices. The board has determined that the proposed rule changes will not create a significant and direct impact on these small businesses. Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The bill sponsor contact requirements apply and have been fulfilled. The primary bill sponsor was contacted on July 7, 2025, by electronic mail.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign

up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Ashleigh Magill, M.D., Chair, Board of Medical Examiners

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-244.1

Summary

Adoption of NEW RULE 1 pertaining to out-of-state brewer or beer importer registrations

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No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is 13 persons based on the approximately 135 out-of-state brewers and beer importers currently doing business in Montana who were statutorily converted from a license to a registration.

Comments

Comments may be submitted using the contact information below. Comments must be received by Monday, September 22, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, August 29, 2025, at 5:00 p.m.

Contact

Todd Olson, Rule Reviewer - Department of Revenue, Legal Services Office
(406) 444-7905
todd.olson@mt.gov

Rulemaking Actions

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 IMPORTATION OF BEER

(1) An out-of-state brewery or beer importer not otherwise licensed in Montana that desires to ship beer to Montana must submit an application for registration pursuant to 16-4-101, MCA, pay the department a registration fee of $500, and receive department approval for the registration.

(2) The registration and fee described in (1) must be renewed annually by July 1.

(3) Each product that an out-of-state brewery or beer importer ships into Montana must conform to the requirements of ARM 42.13.201, 42.13.202, and 42.13.203.

(4) An out-of-state brewery or beer importer that fails to renew its registration or pay the fee provided in (2) is subject to cancellation or suspension of the registration, as authorized under 16-4-101, MCA.

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-4-101, MCA

Reasonable Necessity Statement

Among the several enactments of Senate Bill 75 (2023) (SB 75), SB 75 also amended 16-4-101, MCA, which converted out-of-state brewer or beer importer licenses to that of a registration, which is administered by the department. As a result, approximately 135 current out-of-state brewers and beer importer converted from a license to a registration.

The department now proposes NEW RULE 1 to provide for a registration process, initial registration fee, and annual registration renewal fee of $500, which is the same amount the

out-of-state brewers and beer importers pay under licensure (see (1) and (2)). The department proposes the registration year to begin July 1 which is consistent with all other licenses and registrations issued by the department and matches current practices for all out-of-state brewers and beer importers under licensure.

The department also proposes (3) to provide out-of-state brewers or beer importers with necessary regulatory cross-references of collateral requirement(s) for department approval of all beer products prior to sale and distribution within Montana.

Lastly, the department proposes (4) which is necessary to inform registrants that failure to timely renew or pay the annual registration fee will result in cancellation or suspension of the registration, as authorized under 16-4-101, MCA.

FISCAL IMPACT: In accordance with 2-4-302, MCA, the department is required to estimate the fiscal impact through the payment and collection of fees proposed in NEW RULE 1 and the number of persons affected.

As described above, the change in SB 75 to adopt registrations instead of licenses will not have any anticipated fiscal impact on the 135 out-of-state breweries and beer importers because those registration fees are the same as the license and renewal fees currently being paid by the out-of-state breweries and beer importers.

Small Business Impact

With regard to the small business impact analysis requirements of 2-4-111, MCA, as amended by HB 592 (2025), the department has determined that the group or class of businesses directly affected by this rulemaking are the currently 135 out-of-state breweries and beer importers. However, the adoption of the above-referenced rule does not represent a significant departure from existing practices or fees for the out-of-state breweries and beer importers because SB 75 changed licensure to registration and the fees and administrative task of registration renewal are substantively the same as with licensure.

Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to

the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a different mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in this notice or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

Todd Olson

Approval

Brendan Beatty, Director

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-249.1

Summary

Amendment of ARM 42.13.203 to reorganize rule content, to remove certain redundancies in content, and to clarify circumstances when distinct beer collaborations require label approvals

Hearing Date and Time

Tuesday, September 16, 2025, at 11:00 a.m.

Hearing Information

Third Floor Reception Area Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana

Comments

Comments may be submitted using the contact information below. Comments must be received by Tuesday, September 23, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, August 29, 2025, at 5:00 p.m.

Contact

Todd Olson, Rule Reviewer - Department of Revenue, Legal Services Office
(406) 444-7905
todd.olson@mt.gov

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

42.13.203 BEER LABEL APPROVALS

(1) ~~Each~~ All beer or malt beverage products that a brewer or beer importer desires to sell in the state of Montana must be approved by the department and conform to ~~the provisions of~~ ARM 42.13.201 prior to the product entering the Montana market. In order to consider the product for approval, the department must receive copies of:

(a) the primary packaging, unless a traditional container is used. Traditional containers include aluminum cans, glass bottles, kegs, and boxes that are typically associated with alcoholic beverages; and

(b) the Certificate of Label Approval for products that are regulated by the Alcohol and Tobacco Tax and Trade Bureau (TTB); or

(c) the label for products that are regulated by the U.S. Food and Drug Administration.

(2) Any changes to the product packaging or labels described in (1)(a) through (c) require department approval prior to the product entering the Montana market.

~~(2)~~(3) A brewer of malted beverages who has an annual nationwide production of less than 10,000 barrels is exempt from the requirements in ~~(3)~~(1)(a) through (1)(c).

~~(3) In order to consider the product for approval, the department must receive copies of:~~

~~(a) the primary packaging unless a traditional container is used. Traditional containers include aluminum cans, glass bottles, kegs, and boxes that are typically associated with alcoholic beverages. Any change to the primary packaging must be approved by the department prior to entering the Montana market if a nontraditional container is used; and~~

~~(b) the Certificate of Label Approval for products that are regulated by the Alcohol and Tobacco Tax and Trade Bureau (TTB). Any change to the label that requires approval from the TTB must be approved by the department prior to the product entering the Montana market; or~~

~~(c) the label for products that are regulated by the U.S. Food and Drug Administration. Any changes to the label must be approved by the department prior to entering the Montana market.~~

(4) Beer containing more than 8.75 percent but not more than 14 percent alcohol by volume must:

(a) meet the definition of beer provided in 16-1-106(5)(a), MCA;

(b) be approved by the department prior to being sold or distributed within the state; and

~~(b) be made by the alcoholic fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted cereal grain, in which the sugars used for fermentation of the alcoholic beverage are at least 75 percent derived from malted cereal grain measured as a percentage of the total dry weight of the fermentable ingredients; and~~

(c) note the alcohol content by volume on the label.

(5) ~~To obtain approval from the department for all~~ In addition to the requirements in (1)(a) through (c), for beer or formula changes that meet the criteria in (4), the following documents are also required:

(a) The brewer or beer importer must file a form, supplied by the department, attesting that the formula meets the requirements in (4).

(b) If the brewer or beer importer is required by federal law or regulations to file its formula with TTB, the brewer or beer importer is also required to send a copy of the formula filed with the TTB to the department.

(c) At the department's request and sole discretion, brewers or beer importers must file a formula for verification of its compliance with Montana statutes.

(d) All formulas filed with the department are protected by the privacy act and will not be released by the department unless otherwise required by law or by court order.

(6) The department will process the request and provide approval or denial in writing within 30 days of receipt of all required information.

(7) Each brewer actively involved in a distinct beer collaboration pursuant to 16-3-213(4), MCA, must file for a beer label approval if the collaboration beer meets the criteria provided (4).

Authorizing statute(s): 16-1-303, MCA

Implementing statute(s): 16-1-102, 16-1-106, 16-1-302, 16-4-105, MCA

Reasonable Necessity Statement

ARM 42.13.203 provides the department's beer product packaging and labeling label approval requirements for brewers or beer importers selling product in the state of Montana.

As described in the summary of this rulemaking, the department proposes amendments to the rule to reorganize content and improve consistency and clarity of the rule by:

1. moving/consolidating content from current (3) into (1) because the content is complementary and reads better when combined;
2. restating, for brevity, the redundancies at the end of current (3)(a) through (c) into proposed (2) that any changes to the required packaging and labeling in proposed (1)(a) through (c) also require department approval;
3. renumbering current (2) to proposed (3) because it is an exception to the previously stated label approval requirements and exceptions should follow the stated standard. A clarifying amendment to the end of (3) is also proposed because small breweries are not exempt from the requirements of ARM 42.13.201 which is in the first sentence of (1);
4. removing an unnecessary redundancy to the statutory definition of beer in (4)(b) and, alternatively, cross-referencing the authority in the interest of brevity;
5. clarifying in (5) that for a beer or formula change that meets the criteria in (4), a brewer must provide the information in (5)(a) through (d) in addition to that in (1)(a) through (c). While the department contends it has been always been understood and applied - by the department and brewers alike - that both sets of information/documents are required, text indicating that would be beneficial for improved understanding of the rule.

The changes described in #1 through #5 also meet the criteria and goals for improved agency rulemaking under Governor Gianforte's Red Tape Relief Initiative.

Finally, the department proposes an amendment to the rule, as proposed (7), to clarify that all brewers actively involved in a distinct beer collaboration, authorized under 16-3-213(4), MCA, must seek department approval of the distinct collaboration beer if the beer contains more than 8.75 percent but not more than 14 percent alcohol by volume. The department acknowledges that requiring all brewers actively involved in the collaboration to file for label approval for the produced beer may be viewed as an additional administrative task, but is necessary because each brewer has its own licensing account with the department and lists all

approved labels/brands for the brewer; there is no cost-effective manner in the department's systems to combine label approvals across collaboration brewer accounts.

Small Business Impact

With regard to the small business impact analysis requirements of 2-4-111, MCA, as amended by HB 592 (2025), the department has determined that the group or class of businesses directly affected by this rulemaking are the current Montana domestic breweries, of which there are approximately 120. However, the department has determined that the proposed amendment of the above-referenced rule does not have any new or significant business impact on those affected because ARM 42.13.203 already requires brewers to obtain label approvals for each product sold in the state; and the proposed amendment in (7) clarifies that label approvals apply to distinct collaboration beers (as defined in 16-3-213, MCA) when the product meets the criteria in (4) of the rule.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the contact person in this notice or may be made by completing a request form at any rules hearing held by the Department of Revenue.

Rule Reviewer

Todd Olson

Approval

Brendan Beatty, Director

MONTANA
ADMINISTRATIVE
REGISTER

SECRETARY OF STATE

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-256.1

Summary

This rulemaking proposes changes related to the annual election security assessment requirement.

Hearing Date and Time

Monday, September 15, 2025, at 1:00 p.m.

Hearing Information

Secretary of State's Office conference room, Room 260, State Capitol, Helena, Montana

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, September 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, September 8, 2025, at 5:00 p.m.

Contact

Andy Ritter
(406) 444-7911
andrew.ritter@mt.gov
Montana Relay: 711
Fax: (406) 444-3976

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

44.3.2902 ANNUAL SECURITY ASSESSMENTS

(1) Election security practices performed at county election offices shall be annually assessed based on controls derived from one of the following frameworks that detail security best practices for mitigating security risks to an organization:

(a) the National Institute of Standards and Technology's "Framework for Improving Critical Infrastructure Cybersecurity," Version ~~1.1~~ 2.0, published ~~April 16, 2018~~ February 26, 2024, found at https://www.nist.gov;

(b) the National Institute of Standards and Technology's Special Publication 800-53 Revision 5 titled "Security and Privacy Controls for Information Systems and Organizations," published December 10, 2020, found at https://www.nist.gov;

(c) the Center for Internet Security's "CIS Critical Security Controls," Version 8, published May 2021, found at https://www.cisecurity.org; or

(d) the Center for Internet Security's "Essential Guide to Election Security," version 1.4.1, published September 29, 2023, found at https://essentialguide.docs.cisecurity.org/.

(2) Assessments shall be performed according to the following schedule:

(a) at least once every three years, the security assessment shall be performed by an independent, third-party, and qualified assessor; and

(b) during all other years, the security assessments may be performed using a self-assessment ~~conducted through the Nationwide Cybersecurity Review (NCSR) based on requirements as of December 1, 2023, and found at https://www.cisecurity.org/. This tool details the security best practices for mitigating security risks to an organization~~.

(3) County election administrators shall maintain storage of security assessment results according to the local government records retention schedule.

(4) County election administrators shall provide the results of the third-party assessments to the Secretary of State in January of each calendar year. The results provided to the Secretary of State will include a management description detailing the controls assessed and the effectiveness of each control. The management description shall include the name and qualification of the assessor including their security credential's verification, certification, or identification number.

(5) Security assessments are considered confidential information as defined in 2-6-1002(1), MCA. Security assessment results and supporting security information are prohibited from disclosure to the public.

Authorizing statute(s): 13-1-205, MCA

Implementing statute(s): 13-1-205, MCA

Reasonable Necessity Statement

The Secretary of State's Office is updating ARM 44.3.2902 to incorporate by reference the updated version of the "Framework for Improving Critical Infrastructure Cybersecurity," due to substantial updates completed in 2024. Additionally, the proposed update to ARM 44.3.2902(2)(b) will allow for additional self-assessment options to provide greater flexibility in meeting the requirement.

Small Business Impact

The proposed rule changes will positively impact county election offices. The Secretary of State's Office has determined that there will not be a direct probable significant impact to small businesses.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The Secretary of State maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list may submit their request online at https://sosmt.gov/arm/secretary-of-state-administrative-rules/ or submit a written request which includes the name and contact information of the person who wishes to receive notices. Written requests may be mailed or delivered to the Secretary of State's Office, Administrative Rules Services, 1301 E. 6th Avenue, P.O. Box 202801, Helena, MT 59620-2801, or emailed to sosarm@mt.gov.

Rule Reviewer

Austin Markus James

Approval

Christi Jacobsen, Secretary of State

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-90.1

Summary

The Department of Transportation (department) proposes these amendments to comply with the Fly the Big Sky legislative audit findings dated September 2022, and to provide clarifying language for the benefit of grant and loan applicants.

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is 92. The department has determined that airport sponsors are the only persons directly affected by this notice of proposed rulemaking because they are the only persons eligible to apply for grants and loans. There are currently 92 airport sponsors. If airport sponsors wish to cause a hearing to be held, the department must receive hearing requests from at least nine airport sponsors.

Comments

Comments must be received by Friday, September 19, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, September 12, 2025, at 5:00 p.m.

Contact

Aliselina Strong
Phone: (406) 444-9415
Email: astrong@mt.gov

General Reasonable Necessity Statement

These amendments are necessary to respond to findings from the Fly the Big Sky legislative audit conducted in September of 2022.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

18.13.405 APPLICATION PROCESS, FEES, AND DEADLINES

(1) All eligible applicants must complete the application form found on the Department of Transportation's web site at www.mdt.mt.gov. Paper copies of the application may be obtained by contacting the Aeronautics Division at P.O. Box 200507, Helena, MT 59620-0507. Applications for the next following fiscal year grant and loan program will be accepted by the Aeronautics Division at any time after July 1st of each year. Completed applications and all supplemental materials must be submitted electronically, by first class mail, e-mail, or hand delivery to the Aeronautics Division to be received or postmarked no later than November 15 of the appropriate year. The deadline may be subject to change by the Aeronautics Division after official notification of any change in the deadline that is posted on the Department of Transportation's web site and sent to the official manager of record of every eligible airport.

(2) Each application must be complete and accompanied by all required supplemental materials. The Aeronautics Division reserves the right to reject ineligible,

incomplete, or otherwise improper applications. Applications submitted electronically via the Aeronautics Division's web site must be verified via electronic signature. The Aeronautics Division may request additional information if warranted after initial application review.

(3) There is no fee for any part of the application or review process.

(4) After the application submission deadline, the Aeronautics Division will review, organize, and disseminate all applications to the board. In addition, the Aeronautics Division will provide a summary analysis of those applications which shall include, at a minimum, the grant and/or loan amount requested by the airport, the cost of the project for which the grant or loan is being applied, as well as a rating according to the Federal Aviation Administration's National Priority System.

(5) The applicant is solely responsible for any incomplete, improperly edited or erroneous information submitted as part of the application.

Authorizing statute(s): 2-15-2506, 67-1-103, 67-2-102, MCA

Implementing statute(s): 2-15-2506, 67-1-103, 67-1-301, 67-1-304, 67-1-307, 67-1-309, MCA

18.13.406 EVALUATION, REVIEW, AND SELECTION

(1) After the final submission deadline for applications, each board member will independently review each application prior to the board meeting.

(2) The board will hold an annual public grant and loan review meeting. Notice for the meeting will be in accordance with state law. The board may allow applicants, supporters or opponents to speak or provide for a presentation regarding applications during the meeting. The board will review and discuss applications and vote on disbursement of grant and loan monies during the public meeting.

(3) All funding discussions, priority setting, and grant or loan amount allocations will occur in a recorded public meeting so as to ensure complete transparency of the process. A publicly viewable spreadsheet will be used during the meeting to rank and track priorities as discussed by the board, assign allocations and ensure a fair and public assignment of grant and loan amounts to the applicant organizations. Extemporaneous information, such as the withdrawal of requests, change of requested amounts, and change of FAA allotments and funding priorities, along with other new information, is often introduced during the allocation process and discussion by the board. Given the variable nature of this information and in the interest of ensuring complete and fair disbursement of available funds, the

distribution spreadsheet is dynamic up until the point of adoption, requiring a variable selection and scoring system.

~~(3)~~(4) Projects which are specifically related to airports~~, and~~ airport development, and aviation/public safety will be given the highest priority when evaluating applications for aeronautically related projects. The board shall utilize the Federal Aviation Administration's National Priority System as an initial rating to assist in the grant and loan award process, but not as the sole determinant, as the federal priorities may not align perfectly with state and local priorities.

(a) Additional factors for consideration when weighing award priorities may include project timing, local funding sources and constraints, technological advances, regional and federal aviation initiatives, and numerous other objective factors that may develop over time.

(b) Additional priority consideration will be given to the project's positive impact on safe aeronautical operations at the airport, as well as the overall impact on the aviation community.

~~(4)~~(5)The board shall use its unique expertise as members of Montana's airport and aviation community to objectively award grants and loans to applicants based on the criteria in this rule. The board may offer applicants amounts higher or lower than the amounts requested in the applications. The board may offer grants in place of loans and vice versa.

Authorizing statute(s): 2-15-2506, 67-1-103, 67-2-102, MCA

Implementing statute(s): 2-15-2506, 67-1-103, 67-1-301, 67-1-304, 67-1-306, 67-1-307, 67-1-309, MCA

Reasonable Necessity Statement

In addition to the finding of the audit, these amendments also are intended to provide clarifying language to grant and loan applicants.

18.13.407 TERMS AND CONDITIONS OF SUCCESSFUL APPLICANTS

(1) Successful applicants will receive approved monies after the start of the appropriate fiscal year for which the money was approved.

(2) All grant or loan offers will expire and all grant or loan payments must be disbursed by the end of the fiscal year for which they were approved, unless the Montana Aeronautics Board has approved an extension for the offer. All requests for extension shall be submitted to the Montana Aeronautics Division to be received or

postmarked no later than the third Friday in May. This deadline may be subject to change by the Aeronautics Division after official notification of any change in deadlines is posted on the Department of Transportation's web site and sent to all affected grant or loan offer recipients.

(3) The Aeronautics Division must be in receipt of the appropriate documents listed below, or any combination as requested by the board in its grant or loan application approval, prior to disbursing payment for approved grants or loans. The Aeronautics Division will accept copies of an appropriate federal aid agreement directly from the Federal Aviation Administration. Other listed documents must be received directly from the grant or loan recipient before payment will be made by the Aeronautics Division. The Aeronautics Division will make payment upon receipt of all necessary documents.

(4) A grant for a nonfederally aided project must include:

(a) a signed grant agreement that includes signed approval of sponsor's attorney; and

(b) an official notice to proceed.

(5) A loan for a nonfederally aided project must include:

~~(a) signed approval of sponsor's attorney;~~

~~(b)~~(a) a signed loan agreement that includes signed approval of sponsor's attorney ~~repayment resolution~~; and

~~(c)~~(b) an official notice to proceed.

(6) A grant for a federally aided project must include:

(a) a signed grant agreement that includes signed approval of sponsor's attorney; and

(b) a copy of federal aid agreement.

(7) A loan for a federally aided project must include:

~~(a) signed approval of sponsor's attorney;~~

~~(b)~~(a) a signed loan ~~repayment resolution~~ agreement that includes signed approval of sponsor's attorney; and

(c) a copy of federal aid agreement.

(8) If an applicant fails to submit required documentation necessary for disbursement, or requests an extension for disbursement but does not receive disbursement within the fiscal year for which the grant or loan was awarded, grants and loans will revert back to the same special aeronautics grant or loan account in the state

special revenue fund from which they were originally appropriated. The reverted funds may then be awarded in the future to any successful applicant.

(9) Grants and loans awarded by the board for a fiscal year, but not disbursed to the applicant within that fiscal year, will revert to the same special aeronautics grant or loan account in the state special revenue fund from which they were originally appropriated to be used for future grant or loan awards to any applicant.

(10) Each grant or loan recipient must submit a close-out report and supporting documentation that adequately accounts for all expenditures, on a form provided by the board, within 30 days after closure of the project or board-approved category of work, or within one year after fund disbursement, whichever occurs earliest. If the project is not completed within one year following fund disbursement, the grant or loan recipient must provide a status report detailing the reason the project has not been closed, and projected closure date upon which the close-out report will be filed.

(11) The close-out report must include information on ~~amount requested, amount awarded by the board~~ amount disbursed~~,~~ and amount actually spent on board-approved project work. ~~The grant or loan recipient must adequately account for expenditures in a manner acceptable to the board.~~

(12) ~~The board may request r~~Reimbursement from the ~~grant or loan~~ recipient of grant or loan funds ~~awarded and disbursed funds~~ not actually spent on board-approved project work is required by the board.

(13) The board may pay any additional amount not previously disbursed, which may be due to the grant or loan recipient for board-approved work, up to the total amount awarded by the board. ~~The board will not request reimbursement nor make additional disbursement for any amounts under $500.~~

(14) Any grant or loan recipient which fails to provide the close-out form, status report, or any requested reimbursement is not eligible for future grant or loan awards until the deficiency is remedied.

Authorizing statute(s): 2-15-2506, 67-1-103, 67-2-102, MCA

Implementing statute(s): 2-15-2506, 67-1-103, 67-1-301, 67-1-304, 67-1-307, 67-1-309, MCA

Small Business Impact

The proposed rule amendments only impact airport sponsors eligible to apply for a grant or loan by no longer allowing airport sponsors to keep up to $500 in grants or loans not spent on intended purposes. That is a benefit to which the airport sponsors are not entitled, and which has not frequently been used. Therefore, the small business impact analysis performed as

required by 2-4-111, MCA indicates no small businesses are likely to be significantly and directly impacted by the proposed rule amendments. Documentation of the small business impact analysis is available upon request.

Tribal Impact

With regard to the requirements of 2-15-142, MCA, the department has determined that the amendment of the above-referenced rules will not have direct tribal implications.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person above or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

Tyler Moss, Attorney

Approval

Christopher Dorrington, Director

DEPARTMENT OF ADMINISTRATION

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-161.2

Summary

Amendment to ARM 2.21.3105 pertaining to a decedent's warrant

Previous Notice(s) and Hearing Information

On July 11, 2025, the Department of Administration published MAR Notice No. 2025-161.1 pertaining to the proposed amendment of the above-stated rule in the 2025 Montana Administrative Register, Issue Number 13.

Final Rulemaking Action – Effective August 23, 2025

AMEND AS PROPOSED

The agency has amended the following rule as proposed:

2.21.3105 DECEDENT'S WARRANT

Statement of Reasons

No comments were received.

Contact

Jeff Plum
406-444-5183
jeff.plum@mt.gov

Rule Reviewer

Don Harris, Chief Legal Counsel

Approval

Misty Ann Giles, Director

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF ADMINISTRATION

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-220.2

Summary

The department has amended ARM 2.4.402 pertaining to report filing fees.

Previous Notice(s) and Hearing Information

On July 11, 2025, the Department of Administration published MAR Notice No. 2025-220.1 pertaining to the proposed amendment of the above-stated rule in the 2025 Montana Administrative Register, Issue Number 13.

Final Rulemaking Action – Effective August 23, 2025

AMEND AS PROPOSED

The agency has amended the following rule as proposed:

2.4.402 REPORT FILING FEE

Statement of Reasons

No comments were received.

Contact

Danielle Vincent, Bureau Chief
406-444-3887
Danielle.Vincent@mt.gov

Rule Reviewer

Don Harris, Chief Legal Counsel

Approval

Misty Ann Giles, Director

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF REALTY REGULATION
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-125.2

Summary

Rule changes following Red Tape Relief Initiative review and to implement House Bill 615 (2023)

Previous Notice(s) and Hearing Information

On June 27, 2025, the Board of Realty Regulation (agency) published MAR Notice No. 2025-125.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 12.

On July 24, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. Comments were received by the comment deadline.

Final Rulemaking Action – Effective August 23, 2025

ADOPT AS PROPOSED

The agency has adopted the following rules as proposed:

NEW RULE 1 (24.210.414) RECORD RETENTION

NEW RULE 3 (24.210.428) ADVERTISING

NEW RULE 4 (24.210.438) LIABILITY INSURANCE DEDUCTIBLE

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

24.210.301 DEFINITIONS

24.210.602 EXAMINATIONS

24.210.624 INACTIVE LICENSES

24.210.667 CONTINUING REAL ESTATE EDUCATION

REPEAL

The agency has repealed the following rules as proposed:

24.210.406 SEVERABILITY

24.210.410 PURPOSE OF BOARD

24.210.411 BOARD MEETINGS

24.210.412 PUBLIC RECORDS

24.210.416 APPLICATIONS FOR EXAMINATION AND LICENSE IN GENERAL -- BROKER AND SALESPERSON

24.210.417 MILITARY TRAINING OR EXPERIENCE

24.210.430 INTERNET ADVERTISING RULES

24.210.625 INACTIVE TO ACTIVE LICENSE STATUS

24.210.629 RECIPROCITY

24.210.635 RENEWALS

24.210.646 DISCIPLINARY GUIDELINES -- PUBLIC NOTICE

24.210.651 REINSTATEMENT

NOT ADOPTING

The agency has decided not to adopt the following rules as proposed:

NEW RULE 2 (24.210.422) TRUST ACCOUNTS

NEW RULE 5 (24.210.608) SALESPERSON SUPERVISION

The agency has decided not to repeal the following rules as proposed:

24.210.426 TRUST ACCOUNT REQUIREMENTS

24.210.601 GENERAL LICENSE ADMINISTRATION REQUIREMENTS

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

ARM 24.210.301
Comment 1: Several commenters asked whether the stricken definition of "incapacity" is being redefined elsewhere.

Response 1: In the proposal notice, the board rewrote the supervision provisions of ARM 24.210.601 into proposed NEW RULE 5 and proposed repealing ARM 24.210.601. The board is not adopting NEW RULE 5 or repealing ARM 24.210.601 at this time but will address the issue of supervisor incapacity in their continued work on these rules.

Comment 2: Several commenters questioned the removal of the "internet" and "internet advertising" definitions. The commenters believed there is a clear difference between the two advertising types and the definitions should be retained.

Response 2: The board disagrees with the commenter and determined it is no longer necessary to define "internet" or "internet advertising" as both are broadly known and understood. The board concluded that internet advertising is commonly utilized in the current advertising of real estate.

Comment 3: Several commenters questioned the removal of the definition of "supervising broker" and asked if it was defined elsewhere.

Response 3: The board notes that "supervising broker" is defined in statute at 37-51-102, MCA.

ARM 24.210.624
Comment 4: Commenters questioned the language that brokers and salespersons "not engaged in licensed activities" may go on inactive status. The commenters asked for the language to be further defined.

Response 4: The suggestion to clarify or further define “not engaged in licensed activities” was not proposed to be changed in this notice and exceeds the scope of the proposed rule changes. The board may consider the suggestion in a future rulemaking project.

NEW RULE 3 (ARM 24.210.428)

Comment 5: Commenters opposed the new advertising rule, believing that there is still a significant difference between internet advertising and other advertising methods and some confusion may exist. The commenters also asked whether internet advertising includes social media.

Response 5: The board concluded that since internet advertising is so broadly utilized in current real estate practice, there is no longer a need to define or address it as a separate or developing advertising method. The board intends for this new rule to address all types of real estate advertising by board licensees, except for the specific internet provisions of the rule. If a complaint comes to the board that questions whether something qualifies as advertising versus “communicating with clients,” the board would make a determination based on the specific facts of the complaint.

NEW RULE 4 (ARM 24.210.438)

Comment 6: Several commenters opposed allowing only qualified accountants to verify a real estate firm’s ability to pay the difference between the firm’s professional liability deductible and $10,000. They suggested allowing others such as attorneys, a firm’s internal CFO or bookkeeper, financial advisors, or a bank that holds the firm’s deposits.

Response 6: The board determined that a letter from a bank or a firm’s bookkeeper may not adequately capture the liability side of the necessary analysis. Not all attorneys are necessarily experienced in fiscal analysis. The board concluded that requiring an actively licensed accountant in good standing to attest to a firm’s ability to pay will ensure an independent fiscal analysis with the least chance of a conflict of interest due to an employer-employee or business-owner relationship. Accountants are experienced in the required analysis and the board concluded this method is the least burdensome on real estate firms while providing adequate public protection.

Comment 7: Several commenters found the requirements for a qualified accountant to be weak and questioned whether a letter from an “online licensed accountant in another country” would be acceptable.

Response 7: There is no evidence that accountants licensed outside Montana are unable or less competent to provide the required analysis under the board’s standards.

Comment 8: One commenter broadly supported the rule changes.

Response 8: The board appreciates all comments received in the rulemaking process.

NEW RULE 2 (ARM 24.210.422)

Comment 9: Commenters questioned several aspects of NEW RULE 2 (ARM 24.210.422), a rewrite of the current trust account rule, ARM 24.210.426, that is proposed for repeal.

Response 9: Following review of the comments and lengthy discussion, the board decided to not proceed with the repeal of ARM 24.210.426 or the adoption of NEW RULE 2 (ARM 24.210.422). The board intends to address the commenters' questions in a future meeting and rulemaking project.

NEW RULE 5 (ARM 24.210.608)

Comment 10: Commenters questioned several aspects of NEW RULE 5 (ARM 24.210.608), a rewrite of ARM 24.210.601, the current rule containing salesperson supervision provisions, that is proposed for repeal.

Response 10: Following review of the comments and lengthy discussion, the board decided to not proceed with the repeal of ARM 24.210.601 or the adoption of NEW RULE 5 (ARM 24.210.608). The board intends to address the commenters' questions in a future meeting and rulemaking project.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

Approval

Sharon Virgin, Chair, Board of Realty Regulation

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF FISH, WILDLIFE AND PARKS

NOTICE OF ADOPTION OF EMERGENCY RULE

MAR NOTICE NO. 2025-314.1

Summary

Adoption of an emergency rule closing the Garrity Mountain Wildlife Management Area in Region 2

Reason

The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of an emergency rule:

(1) The Garrity Mountain Wildlife Management Area (WMA) is closed due to public safety concerns related to active law enforcement operations in the area. Law enforcement officials are actively searching for a suspect involved in a fatal incident in Anaconda on August 1, 2025, and the WMA is currently within an active law enforcement search zone.

(2) The closure is necessary to protect public safety.

(3) The closure will remain in place until either the emergency rule lapses, the suspect is located, or the department determines the site is safe for the public to use.

(4) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following emergency rule. This emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties and published as an emergency rule in Issue No. 16 of the 2025 Montana Administrative Register.

Effective Date

Monday, August 4, 2025

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, September 5, 2025 at 5:00 p.m.

Contact

Kara Thompson
(406) 594-8071
Kara.Thompson@mt.gov

ADOPT

The agency is adopting:

RULE 1 EMERGENCY CLOSURE OF THE GARRITY MOUNTAIN WILDLIFE MANAGEMENT AREA

(1) The Garrity Mountain Wildlife Management Area is in Region 2.

(2) The Garrity Mountain Wildlife Management Area is closed due to public safety concerns related to active law enforcement operations in the area. Law enforcement officials are actively searching for a suspect involved in a fatal incident in Anaconda on August 1, 2025, and the wildlife management area is currently within an active law enforcement search zone.

(3) The closure of the Garrity Mountain Wildlife Management Area will remain in place until either the emergency rule lapses or when the department determines the site is safe for the public to use. Signs closing the wildlife management area will be removed when the rule is no longer effective.

Authorizing statute(s): 2-4-303, 87-1-202, MCA

Implementing statute(s): 2-4-303, 87-1-202, MCA

Interested Persons

The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department, commission, or board. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing or

email address of the person to receive the notice. Written requests may be mailed or delivered to the Department of Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be completed online at https://public.govdelivery.com/accounts/MTFWP/subscriber/new.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Committee Notification

The special notice requirements of 2-4-303, MCA, have been met. The Environmental Quality Council staff were contacted by e-mail at the addresses provided on the Montana Legislature's website (leg.mt.gov) on Monday, August 4, 2025.

Rule Reviewer

Jaime MacNaughton

Approval

Jeff Hindoien, Deputy Director

MONTANA
ADMINISTRATIVE
REGISTER

OFFICE OF THE GOVERNOR

EXECUTIVE BRANCH VACANCIES AND APPOINTMENTS

AUGUST 2025

UPCOMING VACANCIES – SEPTEMBER 2025

- 9-1-1 Advisory Council
- ABLE (Achieving a Better Life Experience) Program Oversight Committee
- Burial Preservation Board
- Board of Medical Examiners
- Upper Clark Fork River Basin Remediation and Restoration Advisory Council
- State Historical Preservation Review Board

https://governor.mt.gov/boards_appointments/

RECENT APPOINTMENTS – JULY 2025

- ABLE Program Oversight Committee
    - Lloyd Sparks
        - 7/28/25 - 1/2/29
        - Predecessor: John Pavao
        - Qualification: Department of Administration Designee
    - Michael Woods
        - 7/28/25 - 1/2/29
        - Predecessor: Catherine Murphy
        - Qualification: DPHHS Designee
- Board of Behavioral Health
    - Annette Redding
        - 7/15/25 - 7/1/27
        - Predecessor: Reappointed
        - Qualification: Certified Behavioral Peer Support Specialist
    - Shari Rigg

        - 7/15/25 - 7/1/27
        - Predecessor: Reappointed
        - Qualification: Licensed Addiction Counselor
    - Katherine McLaughlin
        - 7/15/25 - 7/1/28
        - Predecessor: Joelle Johnson
        - Qualification: Licensed Clinical Social Worker
    - Annette Beaudry
        - 7/15/25 - 7/1/27
        - Predecessor: Reappointed
        - Qualification: Licensed Clinical Social Worker
    - Cooper Baldwin
        - 7/15/25 - 7/1/26
        - Predecessor: Reappointed
        - Qualification: Licensed Clinical Social Worker
    - Lital Diament
        - 7/15/25 - 7/1/28
        - Predecessor: Megan Bailey
        - Qualification: Licensed Marriage and Family Therapist
    - Mindy Jorgensen
        - 7/15/25 - 7/1/29
        - Predecessor: Reappointed
        - Qualification: Erin Williams
- Board of Environmental Review
    - Allan Payne
        - 7/28/25 -1/2/29
        - Predecessor: Amanda Knuteson
        - Qualification: Attorney
    - David Simpson
        - 7/28/25 - 1/2/29
        - Predecessor: Reappointed
        - Qualification: Environmental Scientist
    - Joseph Smith
        - 7/28/25 - 1/2/29
        - Predecessor: Reappointed
        - Qualification: Government planning representative
- Capitol Complex Advisory Council
    - David Galt
        - 7/15/25 - 1/2/29
        - Predecessor: Kim Brown
        - Qualification: Public Member
    - Ralph Kuney
        - 7/15/25 - 1/2/29
        - Predecessor: Reappointed

        - Qualification: Public Member
- Judicial Standards Commission
    - Roger Webb
        - 7/1/25 - 7/1/29
        - Predecessor: Reappointed
        - Qualification: Attorney or judge of any court, active or retired
- Government Data and Impact Commission
    - Josh Kassmier
        - 7/28/25 - 12/1/26
        - Predecessor: new
        - Qualification: Legislative representative
    - Chris Dorrington
        - 7/28/25 - 12/1/26
        - Predecessor: new
        - Qualification: Agency director
    - Charlie Brereton
        - 7/28/25 - 12/1/26
        - Predecessor: new
        - Qualification: Agency director or designee
    - Richard Miltenberger
        - 7/28/25 - 12/1/26
        - Predecessor: new
        - Qualification: Public member
- Ground Water Assessment Steering Committee
    - Scott Brown
        - 7/1/25 - 7/1/29
        - Predecessor: Reappointed
        - Qualification: conservation organization representative
    - Eugene Graf IV
        - 7/1/25 - 7/1/29
        - Predecessor: Reappointed
        - Qualification: development community representative
- Libby Asbestos Superfund Oversight Committee
    - George Jamison
        - 7/1/25 - 7/1/29
        - Predecessor: Reappointed
        - Qualification: Citizen of Lincoln County nominated by county commissioners and selected by the Governor
- Board of Massage Therapy
    - Kerry Bohlken
        - 7/15/25 - 7/1/28
        - Predecessor: John Griffin
        - Qualification: Licensed Health Care Provider
- Montana Agriculture Development Council (Growth Through Agriculture Program)

    - Tyson Reese
        - 7/1/25 - 7/1/28
        - Predecessor: Reappointed
        - Qualification: Public representative actively engaged in agriculture
    - Sara Hollenbeck
        - 7/1/25 - 7/1/28
        - Predecessor: Reappointed
        - Qualification: Public representative actively engaged in agriculture
    - John Wicks
        - 7/1/25 - 7/1/28
        - Predecessor: Reappointed
        - Qualification: Public representative actively engaged in agriculture
- Montana-Ireland Trade Commission
    - Paddy Fleming
        - 7/1/25 - 7/1/26
        - Predecessor: New appointment
        - Qualification: Member of an organization focused on the promotion of international trade
    - James McCormick
        - 7/1/25 - 7/1/26
        - Predecessor: New appointment
        - Qualification: Irish-American community representative
- Montana Heritage Preservation and Development Commission
    - Ronald Buck
        - 7/7/25 - 5/1/28
        - Predecessor: Reappointed
        - Qualification: Experience in historic preservation
    - Christopher Budeski
        - 7/7/25 - 5/1/28
        - Predecessor: Reappointed
        - Qualification: Experience in community planning
    - Beverly Marshall
        - 7/7/25 - 5/1/28
        - Predecessor: Reappointed
        - Qualification: Public Member
- Board of Occupational Therapy Practice
    - Trent Gahl
        - 7/15/25 - 1/1/26
        - Predecessor: Reappointed
        - Qualification: Occupational therapist engaged in practice or teaching
    - Willa Overland
        - 7/15/25 - 1/1/26
        - Predecessor: Melinda Martin
        - Qualification: Occupational therapist engaged in practice or teaching

    - Heidi Fletcher
        - 7/15/25 - 1/1/26
        - Predecessor: Twylla Kirchen
        - Qualification: Occupational therapist engaged in practice or teaching
- Board of Pardons and Parole
    - Christie Slaughter
        - 7/1/25 - 1/1/29
        - Predecessor: New position
        - Qualification: Extensive work experience in corrections, the criminal justice system, or criminal law
- Board of Plumbers
    - Quinton Queer
        - 7/15/25 - 7/1/29
        - Predecessor: Reappointed
        - Qualification: Master plumber
    - Michael Daines
        - 7/1/25 - 7/1/29
        - Predecessor: Reappointed
        - Qualification: Professional engineer qualified in mechanical engineering
- Board of Psychologists
    - Daniel Smelko
        - 7/15/25 - 7/1/27
        - Predecessor: Sara Boilen
        - Qualification: Licensed Psychologist in private practice
    - Jeff Cory
        - 7/15/25 - 7/1/27
        - Predecessor: Christine Fiore
        - Qualification: Licensed Psychologist engaged in teaching psychology
    - Desiree Fox
        - 7/15/25 - 7/1/26
        - Predecessor: Loretta Bolyard
        - Qualification: Licensed Psychologist in public health
    - Karen Lenard
        - 7/15/25 - 7/1/28
        - Predecessor: James Murphey
        - Qualification: Licensed Psychologist in private practice
- Commission on Community Service
    - Jacob Strissel
        - 7/1/25 - 7/1/28
        - Predecessor: Donald Jones
        - Qualification: Local government representative
    - Becky Nelson
        - 7/1/25 - 7/1/28
        - Predecessor: Kamille Kirchberg

        - Qualification: Volunteer representative
    - James Larson
        - 7/1/25 - 7/1/28
        - Predecessor: Kevin Myhre
        - Qualification: Labor representative
    - Autumn Coleman
        - 7/1/25 - 7/1/28
        - Predecessor: Rebecca Harbage
        - Qualification: State Agency representative
    - Donald Wetzel, Jr
        - 7/1/25 - 7/1/28
        - Predecessor: Reappointed
        - Qualification: Agency representative
- Montana Wheat and Barley Committee
    - Logan Anderson
        - 7/2/25 - 6/1/28
        - Predecessor: Max Cederberg
        - Qualification: Farmer deriving income from District II
    - James Bjelland
        - 7/2/25 - 6/1/28
        - Predecessor: Keven Bradley
        - Qualification: Farmer deriving income from District III
- Forest Lands Taxation Advisory Committee
    - Greg Chilcott
        - 7/28/25 - 7/1/27
        - Predecessor: Reappointed
        - Qualification: County Commissioner
    - Gordy Sanders
        - 7/28/25 - 7/1/28
        - Predecessor: Reappointed
        - Qualification: Forest landowner
    - Paul McKenzie
        - 7/28/25 - 7/1/29
        - Predecessor: Reappointed
        - Qualification: Forest landowner
    - Randy Mannix
        - 7/28/25 - 7/1/26
        - Predecessor: Reappointed
        - Qualification: Forester landowner
    - Peter Kolb
        - 7/28/25 - 7/1/29
        - Predecessor: Nancy Mehaffie
        - Qualification: Forest landowner
- Western Montana Conservation Commission

- Onno Wieringa
  - 7/7/25 - 7/1/28
  - Predecessor: Reappointed
  - Qualification: Clark Fork River Basin upstream from Missoula
- Arthur Potts
  - 7/7/25 - 7/1/29
  - Predecessor: Reappointed
  - Qualification: Hydropower Utility Industry representative
- Phil Matson
  - 7/7/25 - 7/1/29
  - Predecessor: Reappointed
  - Qualification: Public Member
- Sandy Beder-Miller
  - 7/7/25 - 7/1/29
  - Predecessor: Reappointed
  - Qualification: Private Industry representative

- Montana Criminal Justice Oversight Council
  - Amy Tenney
    - 7/17/25 - 7/1/27
    - Predecessor: Reappointed
    - Qualification: Community corrections providers, treatment facility representative
  - Jessica Flint
    - 7/17/25 - 7/1/27
    - Predecessor: Henry Seaton
    - Qualification: Civil rights advocates representative
  - Jimmy Patelis
    - 7/17/25 - 7/1/27
    - Predecessor: Reappointed
    - Qualification: Member of the Board of Pardons and Parole
  - Shantelle Gaynor
    - 7/17/25 - 7/1/27
    - Predecessor: Reappointed
    - Qualification: Crime victims representative
  - Eldena Bear Don’t Walk
    - 7/17/25 - 7/1/27
    - Predecessor: Reappointed
    - Qualification: Member of Montana Indian tribe with expertise in criminal justice
  - David Armstrong
    - 7/17/25 - 7/1/27
    - Predecessor: Melissa Kelly
    - Qualification: Community corrections providers representative
- State Workforce Innovation Board

- Aaron Kellum
  - 7/15/25 - 7/1/28
  - Predecessor: Jennifer Cronk
  - Qualification: Business representative
- Dwaine Iverson
  - 7/15/25 - 7/1/28
  - Predecessor: Deb Poteet
  - Qualification: Business representative
- Eric Hinebauch
  - 7/17/25 - 7/1/28
  - Predecessor: Michael McGinley
  - Qualification: County commissioner
- Susie Hedalen
  - 7/15/25 - 7/1/28
  - Predecessor: New position
  - Qualification: Workforce representative
- John Williams
  - 7/15/25 - 7/1/27
  - Predecessor: Mary Armstrong
  - Qualification: Local government representative